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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,062	02/27/2004	Srinivas Gutta	US010634A	7354
24737	7590	10/05/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			VU, JIMMY T	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2821	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/789,062	GUTTA ET AL.	
	Examiner	Art Unit	
	Jimmy T Vu	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 February 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9, 11-15, 17 and 19-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 23 is/are allowed.
 6) Claim(s) 1-9, 11-15, 17 and 19-22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 2/27/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-9, 11-15, 17 and 19-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,724,159 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because '159 teaches all of the limitations of the system and method for controlling an area lighting device such as memory, processor configured to analyze audio and video information and adjust the lighting device as claimed in the present invention.

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2821

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 8, 9, 13-15 and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Marx (U.S. Patent number 6,175, 632 B1).

Regarding claims 1 and 22, Marx discloses a system and method for controlling a lighting device, comprising:

means (16) (Figs. 1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45) for analyzing at least one of audio and video information focuses on a monitored area to identify at least one predefined user activity; and

means (16) (Figs. 1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45) for adjusting said lighting device when said user activity is identified.

Regarding claims 2, 9 and 15, Marx discloses the system and method wherein said user activity suggests that said user would like to activate said lighting device (col. 23, lines 10-45).

Regarding claims 3 and 10, Marx discloses the system and method wherein said user activity suggests that said user would like to adjust said lighting device (col. 23, lines 10-45).

Regarding claim 8, Marx discloses a method for controlling a lighting device, comprising:

establishing at least one rule defining a predefined user activity, said rule including at least one condition and an action item to be performed to automatically adjust said lighting device when said rule is satisfied (Figs.1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45);

analyzing at least one of audio and video information focused on a monitored area to identify said condition (Figs.1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45); and

performing said action item if said rule is satisfied (Figs.1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45).

Regarding claims 13 and 20, Marx discloses the system and method wherein said rule includes one or more settings for said lighting device that should be established when said rule is satisfied (Figs.1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45).

Regarding claim 14, Marx discloses a system for controlling an area lighting device, comprising:

a memory (22) (Fig. 1, col. 6, lines 40-45) for storing computer readable code; and

a processor (16) (Figs.1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45) operatively coupled to said memory, said processor configured to:

analyze at least one of audio and video information focused on a monitored area to identify at least one predefined user activity; and

adjust said area lighting device when said user activity is identified (col. 23, lines 10-45).

Regarding claim 19, Marx discloses the system wherein said processor is further configured to process at least one rule defining a predefined user activity, said rule including at least one condition and an action item to be performed to automatically activate said lighting device when said rule is satisfied (Figs.1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45).

Regarding claim 21, Marx discloses an article of manufacture for controlling a lighting device, comprising:

a computer readable medium (14) having computer readable code means (16) embodied thereon, said computer readable program code means (16) comprising:

a step to analyze at least one of audio and video information focused on a monitored area to identify at least one predefined user activity; and

a step to adjust said lighting device when said user activity is identified (Figs.1, 10 and 12; col. 6, lines 28-35; col. 23, lines 10-45).

Allowable Subject Matter

5. Claim 23 is allowed.
6. Claims 4-7, 11, 12 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches the system that the adjustment to the lighting device is an adjustment to the lighting intensity and direction, and wherein the user activity is ritualistic behavior that triggers the issuance of the corresponding command to control the lighting device in the desired manner.

Conclusion

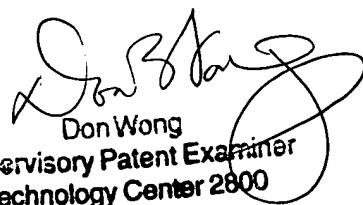
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takahara and Sugden disclosed related art.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

September 28, 2004



Don Wong
Supervisory Patent Examiner
Technology Center 2800